

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (Currently Amended): A recording clock signal generating apparatus located in an information recording device for recording information in a recording medium in which a wobbled information recording track and pre-pit formed thereon, said apparatus comprising:

- a wobble signal detecting section for detecting a wobble signal;
- a pre-pit signal detecting section for detecting a pre-pit signal;
- a phase comparing section for comparing a phase of said wobble signal to that of said pre-pit signal and outputting the phase difference;
- a determining section for determining whether the pre-pit signal is generated by erroneous detection of the pre-pit or not;
- a phase-shifting section for shifting a phase of said wobbled signal based on said phase difference only when the determining section determines that the pre-pit signal is not generated by the erroneous detection; and
- a clock signal generating section for generating a recording clock signal based on said phase-shifted wobble signal,

wherein the determining section compares the phase difference with a predetermined

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threshold, does not determine that the pre-pit signal is generated by the erroneous detection when the phase difference is within the threshold and determines that the pre-pit signal is generated by the erroneous detection when the phase difference is higher out of the range of the threshold.

Claim 2 (Original): The recording clock signal generating apparatus according to claim 1 further comprising:

a control section for controlling said phase-sifting section when said phase difference is within a threshold width value set for the phase differences in the past.

Claim 3 (Original): The recording clock signal generating apparatus according to claim 2, wherein said control section comprises a history data storing section for storing therein history data for said phase differences and a phase comparing section for comparing a given phase difference to the history data for the phase differences stored in said history data storing section.

Claim 4 (Original): The recording clock signal generating apparatus according to claim 3, wherein said history data storing section outputs an average value for said phase differences in the past stored therein.

Claim 5 (Original): The recording clock signal generating section according to claim 3, wherein said phase difference comparing section sets a control signal outputted to said phase-shifting

section at a high level only when the threshold width value relative to the history data of said phase differences in the past is set and said phase difference is within the threshold width value.

Claim 6 (Original): The recording clock signal generating apparatus according to claim 1, further comprising a control unit for controlling said phase-shifting section only when said phase difference is within a fixed width value set relative to the phase difference.

Claim 7 (Currently Amended): A recording clock signal generating method for recording information in a recording medium in which a wobbled information recording track and a pre-pit formed thereon, said method comprising the steps of:

detecting a wobble signal;

detecting a pre-pit signal;

comparing a phase of said wobble signal to that of said pre-pit signal and outputting the phase difference;

determining whether the pre-pit signal is generated by erroneous detection of the pre-pit or not;

shifting a phase of said wobble signal based on said phase difference only when it is determined that the pre-pit signal is not generated by the erroneous detection; and

a clock signal generating step of generating a recording clock signal based on said phase-shifted wobble signal,

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wherein the determining step compares the phase difference with a predetermined threshold, does not determine that the pre-pit signal is generated by the erroneous detection when the phase difference is within the threshold and determines that the pre-pit signal is generated by the erroneous detection when the phase difference is higher out of the range of the threshold.

Claim 8 (Canceled).